

# EXHIBIT A

## Kit Roth

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**From:** Michael A Goldfarb <goldfarb@kdg-law.com>  
**Sent:** Tuesday, December 02, 2014 4:41 PM  
**To:** 'Marshall Rosenbach'; 'Chris Huck'; roth@kdg-law.com  
**Cc:** pstilberg@mhlseattle.com  
**Subject:** RE: Ramgen/Agilis - Motion for Fees

I do not think it is proper at this point to make an oral motion for relief. See Rule 7.(j) ("A motion for relief from a deadline should, whenever possible, be filed sufficiently in advance of the deadline to allow the court to rule on the motion prior to the deadline.") In this case, it was more than possible for you to seek an extension before the deadline rather than now. The motion was properly filed and noted. In addition, this delay is an imposition on us when we have other commitments and will inhibit our post-judgment remedies.

Mike

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**From:** Marshall Rosenbach [mailto:marshall@marshallrosenbach.com]  
**Sent:** Tuesday, December 02, 2014 4:26 PM  
**To:** Michael A Goldfarb; 'Chris Huck'; roth@kdg-law.com  
**Cc:** pstilberg@mhlseattle.com  
**Subject:** RE: Ramgen/Agilis - Motion for Fees

You're correct that I messed up the calendaring of the response time which was why I originally asked for the 1 day extension. But beyond that, we do need extra time. You filed the Motion on 11/20 late in the day, and then with the Thanksgiving holiday, that gave us I think 5 business days to get the response done to a motion where you're asking for > \$1 million. So we will file our motion for relief from the deadline and for 2 weeks to deal with the motion. The motion is not intended to delay anything, but just to give us extra time to deal with issues in the Motion.

Can you or someone in your office be available tomorrow for a telephonic hearing on our motion under Rule 7.1(i)? We both need to be on the phone to do it. If you are not available, please see if Omar can do the phone hearing. Thanks.

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**From:** Michael A Goldfarb [mailto:goldfarb@kdg-law.com]  
**Sent:** Tuesday, December 02, 2014 7:10 PM  
**To:** Marshall Rosenbach; 'Chris Huck'; roth@kdg-law.com  
**Cc:** pstilberg@mhlseattle.com  
**Subject:** RE: Ramgen/Agilis - Motion for Fees

Marshall:

The response date has passed. Your original email said you wanted to file late because of some calendaring issue. Now you are asking for a two week extension, saying you need more time, which is different from your first email. We strongly oppose any extension, including a two week extension for a variety of reasons, not the least of which is that we need to get the amended judgment on file here and in Florida. As you know, a new entity, Agilis Inc., was incorporated the day after the trial ended, we continue to be concerned about the use of that entity and we plan to move promptly to protect our clients' interests—so we oppose anything which delays the process. It is also not appropriate to wait until after the due date and then tell the Court you want the date extended. Our position therefore is that no proper opposition has been filed and that the Court should grant the relief requested and we will so advise the Court.

Mike

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**From:** Marshall Rosenbach [<mailto:marshall@marshallrosenbach.com>]  
**Sent:** Tuesday, December 02, 2014 3:34 PM  
**To:** Michael A Goldfarb; 'Chris Huck'; [roth@kdg-law.com](mailto:roth@kdg-law.com)  
**Subject:** RE: Ramgen/Agilis - Motion for Fees

Ok. We will advise the Court of your position. We realize we need more time to respond to your motion. We are going to ask for 2 weeks. It was sent to us late Thursday, Nov. 20, and we've had under 5 business days to file a response given the Thanksgiving holiday and you're asking for a ton of money which we cannot address in such a short amount of time, so we are going to ask the Court for a 2 week extension. Because of your email below, I'll tell the Court you oppose a 2 week extension as well.

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**From:** Michael A Goldfarb [<mailto:goldfarb@kdg-law.com>]  
**Sent:** Tuesday, December 02, 2014 6:23 PM  
**To:** Marshall Rosenbach; 'Chris Huck'; [roth@kdg-law.com](mailto:roth@kdg-law.com)  
**Subject:** RE: Ramgen/Agilis - Motion for Fees

Marshall:

No offense but we do object to the late filing. We have people traveling and out of the office, but between our schedules we had coverage for the reply brief, assuming your papers were timely served. But, as you know I am traveling to Florida and others are not available, so a late filing is a problem for us and therefore we object to it.

Mike

Michael Goldfarb



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From: Marshall Rosenbach [<mailto:marshall@marshallrosenbach.com>]  
Sent: Tuesday, December 02, 2014 2:50 PM  
To: Chris Huck; [roth@kdg-law.com](mailto:roth@kdg-law.com); [goldfarb@kdg-law.com](mailto:goldfarb@kdg-law.com)  
Subject: Ramgen/Agilis - Motion for Fees

Guys – do you have a problem with us filing our response to your fees motion today? I made a mistake when I calendared the opposition deadline for Wednesday when it should have been yesterday because I treated it as a 2<sup>nd</sup> Friday motion instead of a third Friday motion since you e-filed it on the evening on Thursday. Please let us know if you will be objecting to it being filed today, instead of yesterday. If you will object, I will need to file a motion to excuse the day late filing. Thanks.

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